

Commonwealth of Kentucky
Natural Resources and Environmental Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382

AIR QUALITY PERMIT

Permittee Name: Osram Sylvania Incorporated
Mailing Address: P.O. Box 900, Tyrone Pike, Versailles, Kentucky, 40383

Source Name: Same as above
Mailing Address: Same as above

Source Location: 900 Tyrone Pike

Permit Type: Federally-Enforceable
Review Type: Title V
Permit Number: V-99-032
Log Number: F452

Application
Complete Date: January 29, 1998

KYEIS ID #: 102-4140-0013
AFS Plant ID #: 21-239-00013
SIC Code: 3641

Region: Frankfort
County: Woodford

Issuance Date:
Expiration Date:

John E. Hornback, Director
Division for Air Quality

TABLE OF CONTENTS

<u>SECTION</u>	<u>DATE OF ISSUANCE</u>	<u>PAGE</u>
SECTION A	PERMIT AUTHORIZATION	1
SECTION B	EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS	2
SECTION C	INSIGNIFICANT ACTIVITIES	15
SECTION D	SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS	17
SECTION E	SOURCE CONTROL EQUIPMENT OPERATING REQUIREMENTS	18
SECTION F	MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS	19
SECTION G	GENERAL CONDITIONS	22
SECTION H	ALTERNATE OPERATING SCENARIOS	26
SECTION I	COMPLIANCE SCHEDULE	26

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application which was determined to be complete on January 29, 1998, the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in the Regulation 401 KAR 50:035, Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Group Requirements: Group 1

EIS No.	Application No.	Process Description	Type of Control	Construction/Modification Date
AF	132-138, 161-168	Bulb Coating: 2 - Coating Applicators	None	12/94
AG	143, 173	Tube Siliconizer Number 1	None	12/94
12	121-124, 127, 130, 131	Vacuum Pumps	None	04/83
15	104	Vacuum Pumps Exhaust/Bender 1 & 2 unit 34	Electric Precipitator	05/85
16	84	Vacuum Pumps Exhaust EP40	Electric Precipitator	05/85
17	230, 86-89, 106-113	2- Glass Tube Crushers	Baghouse	05/85
31	139-140, 190-198	Etching Ink Usage	None	02/95
32	141	Bulb Brushing (Phosphors)	Baghouse	02/95
35	144	Mount Making	None	02/95
36	145, 230, 148-150	Sealing	Activated Carbon	02/95
37	151, 152, 160, 161	Basing	None	02/95
38	161-168	Bulb Coating (DF1 & DF2)	None	08/97
39	169, 170	Etching Ink Use	None	08/97
40	171	Bulb Brushing (Phosphors)	Baghouse	08/97
42	174, 175	Mount Making	None	08/97
43	230, 178-180	Sealing	Tube Shell Condenser & Activated Carbon	08/97
44	181, 182	Basing	None	08/97
45	173	Tube Siliconizer	None	08/97
48	236/239	Coater 1A/1B	Wet Scrubber	8/4/98
50	240	Scrubber Exhaust	Wet Scrubber	8/4/98
51	241	Coater 2	Wet Scrubber	8/4/98
52	243	DF-1 Gas Process	None	8/4/98

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (continued)

EIS No.	Application No.	Process Description	Type of Control	Construction/Modification Date
53	244	Bulb Etching	None	8/4/98
54	246	Bulb Brushing	Dust collector	8/4/98
56	248	Exhaust Tube Siliconizer	None	8/4/98
57	249	Mount Machines	None	8/4/98
58	254	Base Fill	Dust collector	8/4/98
60	256	Baser	None	8/4/98

APPLICABLE REGULATIONS:

401 KAR 59:010, New process operations

1. Operating Limitations:

None

2. Emission Limitations:

Pursuant to Regulation 401 KAR 59:010:

- a) Visible emissions from each emission point listed in the above table shall not equal or exceed 20 percent opacity, as determined with Reference Method 9, Appendix A, 40 CFR 60.
- b) Hourly particulate emissions from each emission point listed in the above table as measured by Reference Method 5, Appendix A, 40 CFR 60, averaged over three hours shall not exceed each individual PM emission rate limit calculated by the following formula.

$$E = 3.59 P^{0.62}$$

Where P is the process weight (total weight of all materials introduced into each emission unit which may cause the emissions of particulate matter) in tons/hour. If the process weight equals or is less than 0.5 ton/hour, then the particulate matter emission rate shall not exceed 2.34 lbs./hr.

Compliance Demonstration: To provide reasonable assurance that the particulate matter emission limitations are being met, the permittee shall monitor the amount and type of process weight added to each particulate matter emissions unit. The process weight shall be determined as the average hourly tons added to the emission unit averaged over a one-month period. Average particulate emissions shall be calculated as follows:

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (continued)

$$PE = (PW \times PEF)$$

Where PE = Particulate emissions in lbs./hr, PW = process weight in tons/hr, gal/hr, or parts/hr; and PEF = particulate emission factor in lbs/ton, lbs/gal, or lbs/parts of process weight as found in the emissions inventory system..

3. Testing Requirements:

None.

4. Specific Monitoring Requirements:

- a) To provide reasonable assurance that the visible emission limitations are being met the permittee shall:
 - i) Perform a quarterly opacity reading, or more frequent if requested by the Division, from each stack or vent using Reference Method 9. Opacity readings shall be conducted while the emission units are in operation
 - ii) Perform a daily qualitative visual observation of the opacity of emissions from each stack/vent and maintain a log of the observation. The log shall note:
 - 1) Whether any air emissions (except for water vapor) were visible from the vent/stack,
 - 2) All emission points from which visible emissions occurred, and
 - 3) Whether the visible emissions were normal for the process.
 - iii) Determine the opacity of emissions by Reference Method 9 if visible emissions from any stack/vent is perceived or believed to exceed the applicable standard.
- b) For emission units with control devices as listed in the table, the permittee shall operate and maintain in accordance with the manufacturer's specifications and/or standard operation practices.
- c) Throughput limits shall be monitored to ensure compliance with the emission limitations calculated above.

5. Specific Record Keeping Requirements:

Records shall be maintained of the daily, qualitative, and quarterly Reference Method 9 opacity readings and the amount of process weight processed by each emissions unit.

6. Specific Reporting Requirements:

Any exceedance over the opacity or particulate matter emission limitations as stated in this permit shall be reported to the Division as specified in Section F (6). The company shall also certify to the Division, annually, that a daily visible emission survey is conducted and the specified records are being kept for these emission points. If more than two exceedances occur in any rolling six months, the owner or operator shall submit to the Division's Frankfort Regional Office a corrective action plan for the Division's approval on form DEP7007BB, no later than 30 days from the second exceedance.

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (continued)

7. Specific Control Equipment Operating Conditions:

Not Applicable.

8. Alternate Operating Scenarios:

Not Applicable.

9. Compliance Schedule:

Not Applicable.

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SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (continued)

Group Requirements: Group 2

EIS No.	Company Number	Process Description	Type of Control	Construction/ Modification Date
2	210, 17-19, 37-39, 55-58, 222, 234	Surface Coater/Xylene usage	None	05/64
3	10, 14, 15, 35, 52, 53	Solution Mixing	Baghouse	05/64
4	20-22, 40-42, 59-62	Baker Surface Coating	Centrifuge / Baghouse	05/64
5	20-22, 40-42, 59-62	Baker	None	05/64
6	23, 25, 43	Pump Exhaust	None	05/64
7	230, 25, 26-30, 34, 46-51, 65-68	Glass Crusher	Centrifuge	05/64
8	207-215, 220, 221	Base and Cement Mixing	Centrifuge	05/64
9	190, 191	Flare Forming	None	05/64
10	230	Glass Crusher	Baghouse	05/64

APPLICABLE REGULATIONS:

401 KAR 61:020, Existing process operations

1. Operating Limitations:

Not Applicable.

2. Emission Limitations:

Pursuant to Regulation 401 KAR 61:020:

- a) Visible emissions from each emission point listed in the above table shall not equal or exceed 40 percent opacity, as determined with Reference Method 9, Appendix A, 40 CFR 60.
- b) Hourly particulate emissions from each emission point listed in the above table as measured by Reference Method 5, Appendix A, 40 CFR 60, averaged over three hours shall not exceed each individual PM emission rate limit calculated by the following formula.

$$E = 4.10 P^{0.6}$$

Where P is the process weight (total weight of all materials introduced into any emission unit which may cause the emissions of particulate matter) in tons/hour. If the process weight equals or is less than 0.5 ton/hour, then the particulate matter emissions shall not exceed 2.58 lbs/hr or the combined particulate emission limits.

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (continued)

Compliance Demonstration: To provide reasonable assurance that the particulate matter emission limitations are being met, the permittee shall monitor the amount and type of process weight added to each particulate matter emissions unit. The process weight shall be determined as the average hourly tons added to the emission unit averaged over a one-month period. Average particulate emissions shall be calculated as follows:

$$PE = (PW \times PEF)$$

Where PE = Particulate emissions in lbs./hr, PW = process weight in tons/hr, gal/hr, or parts/hr; and PEF = particulate emission factor in lbs/ton, lbs/gal, or lbs/parts of process weight as found in the emissions inventory system..

3. Testing Requirements:

None.

4. Specific Monitoring Requirements:

- a) To provide reasonable assurance that the visible emission limitations are being met the permittee shall:
 - i) Perform a quarterly opacity reading, or more frequent if requested by the Division, from each stack or vent using Reference Method 9. Opacity readings shall be conducted while the emission units are in operation
 - ii) Perform a daily qualitative visual observation of the opacity of emissions from each stack/vent and maintain a log of the observation. The log shall note:
 - 1) Whether any air emissions (except for water vapor) were visible from the vent/stack,
 - 2) All emission points from which visible emissions occurred, and
 - 3) Whether the visible emissions were normal for the process.
 - iii) Determine the opacity of emissions by Reference Method 9 if visible emissions from any stack/vent is perceived or believed to exceed the applicable standard.
- b) For emission units with control devices as listed in the table, the permittee shall operate and maintain in accordance with the manufacturer's specifications and/or standard operation practices.
- c) Throughput limits shall be monitored to ensure compliance with the emission limitations calculated above.

5. Specific Record Keeping Requirements:

Records shall be maintained of the daily, qualitative, and quarterly Reference Method 9 opacity readings and the amount of process weight processed by each emissions unit.

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (continued)

6. Specific Reporting Requirements:

Any exceedance over the opacity or particulate matter emission limitations as stated in this permit shall be reported to the Division as specified in Section F (6). The company shall also certify to

the Division, annually, that a daily visible emission survey is conducted and the specified records are being kept for these emission points. If more than two exceedances occur in any rolling six months, the owner or operator shall submit to the Division's Frankfort Regional Office a corrective action plan for the Division's approval on form DEP7007BB, no later than 30 days from the second exceedance.

7. Specific Control Equipment Operating Conditions:

Not Applicable.

8. Alternate Operating Scenarios:

Not Applicable.

9. Compliance Schedule:

Not Applicable.

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (continued)

Group Requirements: Group 3

EIS Number	Application No.	Process Description	Type of Control	Construction/Modification Date
6	230	Vacuum pump exhaust unit 31-33	Carbon bed adsorber	2/95
12	230	Vacuum pump exhaust unit 35-36	Carbon bed adsorber	2/95
15	121, 122, 118	Vacuum pump exhaust/Bender 1 & 2 unit 34	None	5/64
36	230	Sealing unit 40	Carbon bed adsorber	2/95
43	230	Sealing unit 41	Carbon bed adsorber	2/95
58	230	Vacuum Pump / Stem Catcher	Carbon Bed Adsorber	8/4/98
58	230	Exhaust Machine Exhaust	Carbon Bed Adsorber	8/4/98

APPLICABLE REGULATIONS:

401 KAR 63:021, Existing sources emitting toxic air pollutants

1. Operating Limitations:

Not Applicable.

2. Emission Limitations:

Mercury emissions shall not exceed 0.21 lb/hr sourcewide.

3. Testing Requirements:

Not Applicable.

4. Specific Monitoring Requirements:

Mercury emissions shall be monitored to assure compliance with the above limitation and the calculations shall be performed by the following equation.

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (continued)**4. Specific Monitoring Requirements:**

Mercury emission rate (lb/hr) = Usage rate of mercury * 0.01 (for all lamp lines except for Unit 34) + Usage rate of mercury * 0.05 (for Unit 34)

5. Specific Record Keeping Requirements:

A twelve month rolling average of mercury emissions shall be maintained by the permittee with the monthly average calculated by the following equation:

Monthly average (lb/hr) = {(Pounds of mercury used per month * 0.01 [all units except for Unit 34]) + (Pounds of mercury used per month * 0.05 [for Unit 34])} / hours of operation for month

6. Specific Reporting Requirements:

Average hourly mercury emissions shall be reported to the Division annually unless more than one exceedance occurs in a three month period. Exceedances shall be reported to the Division as specified in Section C(c)(3) and the appropriate action shall be taken to correct the exceedance.

7. Specific Control Equipment Operating Conditions:

Not Applicable.

8. Alternate Operating Scenarios:

Not Applicable.

9. Compliance Schedule:

Not Applicable.

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (continued)

Group Requirements: Group 4

EIS No.	Company No.	Process Description	Type of Control	Construction/Modification Date
4	17, 21, 37, 41, 56, 60	Etch ink use units 31-33	None	5/85
22	78, 82, 98, 102	Etch ink use unit 35-36	None	5/85
31	139, 169	Etch ink use unit 40-41	None	4/95
34	190, 192	Flare machines 1-25	None	1964
	200	S-10 Glass flare machines	None	4/95
35	144	Mount making unit 40	None	4/95
39	115, 117	Etch ink use unit 34	None	4/83
42	174	Mount making unit 41	None	4/95
53	244	Bulb Etching	None	8/4/98
57	249	Mount Machines - Lead	None	8/4/98

APPLICABLE REGULATIONS:

401 KAR 63:021, Existing sources emitting toxic air pollutants

1. Operating Limitations:

Not Applicable.

2. Emission Limitations:

Lead emissions shall not exceed 0.23 lb/hr sourcewide.

3. Testing Requirements:

Not Applicable.

4. Specific Monitoring Requirements:

Lead emissions shall be monitored to assure compliance with the above limitations and the calculations shall be performed by the following equation:

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (continued)**4. Specific Monitoring Requirements:** (continued)

Lead emission rate (lb/hr) = Monthly usage rate of black monogram ink * 0.00883 + Monthly usage rate of lead in mount making process * 0.00047

5. Specific Record Keeping Requirements:

A twelve month rolling average of lead emissions shall be maintained by the permittee with the monthly average calculated by the following equation.

Monthly average (lb/hr) = (Pounds of black monogram ink used per month*0.00883 + Pounds of lead used in mount making process per month*0.00047) / hours of operation for month

6. Specific Reporting Requirements:

Average hourly lead emissions shall be reported to the Division annually unless more than one exceedance occurs in a three month period. Exceedances and the appropriate action taken to correct the exceedance shall be reported to the Division as specified in Section C(c)(3).

7. Specific Control Equipment Operating Conditions:

Not Applicable.

8. Alternate Operating Scenarios:

Not Applicable.

9. Compliance Schedule:

Not Applicable.

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (continued)

01(01) **Description:** Two natural gas boilers rated at 10 mmBtu, each.
Construction/Modification Date: 05/64.

APPLICABLE REGULATIONS:

401 KAR 61:015, Existing indirect heat exchangers

1. Operating Limitations:

Not Applicable.

2. Emission Limitations:

Pursuant to Regulation 401 KAR 61:015:

- a) Visible emissions shall not exceed 40 percent opacity.
- b) Total hourly particulate emissions as calculated by Appendix A, 401 KAR 61:015, averaged over three hours shall not exceed 12.76 lbs/hr.
- c) Total sulfur dioxide emissions shall not equal or exceed 64.77 lb/hr.

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

None

5. Specific Recordkeeping Requirements:

None

6. Specific Reporting Requirements:

None

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (continued)

02(210, 17-19, 37-39, 55-58, 222, 234) Description: Surface Coater/Xylene usage
Construction/Modification Date: 05/64

APPLICABLE REGULATIONS:

401 KAR 61:095, Existing metal cleaning equipment

1. Operating Limitations:

The permittee shall:

- 1) a) Not dispose of waste solvent or transfer it to another party, such that greater than 20 percent by weight of the waste solvent can evaporate into the atmosphere. Store waste solvent only in covered containers.
- b) Close degreaser cover whenever not handling parts in the cleaner.
- c) Drain parts until dripping ceases (15 seconds is usually necessary.)
- 2) a) Equip the cleaner with a cover.
- b) Equip the cleaner with a drainage facility such that solvent that drains off parts removed from the cleaner will return to the cleaner.
- c) Install, at or near the cleaner, a permanent, conspicuous label, summarizing the operating requirements specified in 1) above.
- d) Ensure the solvent spray is in a fluid form and the pressure of this fluid does not cause excessive splashing.

2. Emission Limitations:

Not Applicable.

3. Testing Requirements:

Not Applicable.

4. Specific Monitoring Requirements:

Not Applicable.

5. Specific Record Keeping Requirements:

Records shall be maintained of any solvent used and maintenance performed on equipment.

6. Specific Reporting Requirements:

Maintenance records shall be submitted annually.

7. Specific Control Equipment Operating Conditions:

The specified control equipment must be maintained and operated in accordance with the manufacturer's specifications and/or the standard operating practices.

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to Regulation 401 KAR 50:035, Section 5(4). While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

<u>Description</u>	<u>Generally Applicable Regulation</u>
1. Emergency Diesel Generator	None
2. Emergency Diesel Fire Pump	None
3. Degreasing Operations (145 gal / 12 months)	None
4. 5- Process/ Space Heaters (<10 mmBtu)	401 KAR 59:015
5. Water Heater: natural gas usage	401 KAR 59:015
6. DF-2: natural gas usage	401 KAR 59:015
7. DF-1: natural gas usage	401 KAR 59:015
8. Etch Fire: natural gas usage	None
9. Baker Exhaust: natural gas usage	None
10. Automount: natural gas usage	None
11. Sealer: natural gas usage	None
12. Base Fill: natural gas usage	None
13. Threader: natural gas usage	None
14. 2 - Natural Gas Fired Drying Ovens	None
15. Natural Gas Fired Water Heater	401 KAR 59:015
16. 2- Natural gas washers	401 KAR 59:015
17. 2 - Bake ovens- natural gas	None
18. Bake oven - natural gas	None

SECTION C - INSIGNIFICANT ACTIVITIES (continued)

<u>Description</u>	<u>Generally Applicable Regulation</u>
19. Flare forming natural gas	None
20. Bulb baking natural gas	None
21. Baker oven - natural gas	None
22. Baker oven - natural gas	None

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SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. Pursuant to 401 KAR 63:021:
 Source wide mercury emissions shall not exceed 0.00043 lb/hr.
 Lead emissions shall not exceed 0.23 lb/hr sourcewide
2. Compliance with annual emissions and processing limitations imposed pursuant to 401 KAR 50:035, Section 7(1)(a), and contained in this permit, shall be based on emissions and processing rates for each twelve (12) consecutive month/period.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

1. When continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place as defined in this permit, and time of sampling or measurements.
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement;
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality. [401 KAR 50:035, Permits, Section 7(1)(d)2 and 401 KAR 50:035, Permits, Section 7(2)(c)]
3. In accordance with the requirements of Regulation 401 KAR 50:035, Permits, Section 7(2)(c) the permittee shall allow the Cabinet or authorized representatives to perform the following:
 - a. Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are kept;
 - b. Have access to and copy, at reasonable times, any records required by the permit:
 - i. During normal office hours, and
 - ii. During periods of emergency when prompt access to records is essential to proper assessment by the Cabinet;
 - c. Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times shall include, but are not limited to the following:
 - i. During all hours of operation at the source,
 - ii. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
 - iii. During an emergency; and
 - d. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements. Reasonable times shall include, but are not limited to the following:
 - i. During all hours of operation at the source,
 - ii. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
 - iii. During an emergency.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be reported to the division's Frankfort Regional Office no later than the six-month anniversary date of this permit and every six months thereafter during the life of this permit, unless otherwise stated in this permit. The permittee may shift to semi-annual reporting on a calendar year basis upon approval of the regional office. If calendar year reporting is approved, the semi-annual reports are due January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to Section 6(1) of Regulation 401 KAR 50:035, Permits. All deviations from permit requirements shall be clearly identified in the reports.
6.
 - a. In accordance with the provisions of Regulation 401 KAR 50:055, Section 1 the owner or operator shall notify the Division for Air Quality's Frankfort Regional Office concerning startups, shutdowns, or malfunctions as follows:
 1. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 2. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
 - b. In accordance with the provisions of Regulation 401 KAR 50:035, Section 7(1)(e)2, the owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by general condition 6 a. above) to the Division for Air Quality's Frankfort Regional Office within 3 days. Other deviations from permit requirements shall be included in the semiannual report required by general condition F.5.
7. Pursuant to Regulation 401 KAR 50:035, Permits, Section 7(2)(b), the permittee shall certify compliance with the terms and conditions contained in this permit, annually on the permit issuance anniversary date or by January 30th of each year if calendar year reporting is approved by the regional office, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an approved alternative) to the Division for Air Quality's Frankfort Regional Office and the U.S. EPA in accordance with the following requirements:
 - a. Identification of each term or condition of the permit that is the basis of the certification;
 - b. The compliance status regarding each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent; and
 - d. The method used for determining the compliance status for the source, currently and over the reporting period, pursuant to 401 KAR 50:035, Section 7(1)(c),(d), and (e).

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

- e. The certification shall be postmarked by the thirtieth (30) day following the applicable permit issuance anniversary date, or by January 30th of each year if calendar year reporting is approved by the regional office. Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality
Frankfort Regional Office
643 Teton Trail, Suite B
Frankfort, KY 40601

U.S. EPA Region IV
Air Enforcement Branch
Atlanta Federal Center
61 Forsyth St.
Atlanta, GA 30303-8960

Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601

8. In accordance with Regulation 401 KAR 50:035, Section 23, the permittee shall provide the division with all information necessary to determine its subject emissions within thirty (30) days of the date the KEIS emission report is mailed to the permittee.
9. Pursuant to Section VII.3 of the policy manual of the Division for Air Quality as referenced by Regulation 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the division by the source or its representative within forty-five days after the completion of the fieldwork.

SECTION G - GENERAL CONDITIONS**(a) General Compliance Requirements**

1. The permittee shall comply with all conditions of this permit. A noncompliance shall be (a) violation(s) of state regulation 401 KAR 50:035, Permits, Section 7(3)(d) and for federally enforceable permits is also a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) and is grounds for enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition.
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to Regulation 401 KAR 50:035, Section 12(2)(c);
 - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish to the division, in writing, information that the division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. [401 KAR 50:035, Permits, Section 7(2)(b)3e and 401 KAR 50:035, Permits, Section 7(3)(j)]
5. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit. [401 KAR 50:035, Permits, Section 7(3)(k)]

SECTION G - GENERAL CONDITIONS (CONTINUED)

6. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance. [401 KAR 50:035, Permits, Section 7(3)(e)]
7. Except as identified as state-origin requirements in this permit, all terms and conditions contained herein shall be enforceable by the United States Environmental Protection Agency and citizens of the United States.
8. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6). [401 KAR 50:035, Permits, Section 7(3)(h)]
9. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [401 KAR 50:035, Permits, Section 8(3)(b)]
10. This permit shall not convey property rights or exclusive privileges. [401 KAR 50:035, Permits, Section 7 (3)(g)]
11. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
12. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry. [401 KAR 50:035, Permits, Section 7(2)(b)5]
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders. [401 KAR 50:035, Permits, Section 8(3)(a)]
14. **Permit Shield:** Except as provided in State Regulation 401 KAR 50:035, Permits, compliance by the affected facilities listed herein with the conditions of this permit shall be deemed to be compliance with all applicable requirements identified in this permit as of the date of issuance of this permit.
15. All previously issued construction and operating permits are hereby null and void.

SECTION G - GENERAL CONDITIONS (CONTINUED)**(b) Permit Expiration and Reapplication Requirements**

This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the division. [401 KAR 50:035, Permits, Section 12]

(c) Permit Revisions

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of Regulation 401 KAR 50:035, Section 15.
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority thirty (30) days in advance of the transfer.

(d) Acid Rain Program Requirements

If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

(e) Emergency Provisions

1. An emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
 - a. An emergency occurred and the permittee can identify the cause of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit;and,

SECTION G - GENERAL CONDITIONS (CONTINUED)

- d. The permittee notified the division as promptly as possible and submitted written notice of the emergency to the division within two working days after the time when emission limitations were exceeded due to the emergency. The notice shall meet the requirements of 401 KAR 50:035, Permits, Section 7(1)(e)2, and include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken. This requirement does not relieve the source of any other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement.
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof. [401 KAR 50:035, Permits, Section 9(3)]

(f) Risk Management Provisions

The permittee shall comply with all applicable requirements of 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center
P.O. Box 3346
Merrifield, VA, 22116-3346

(g) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
 - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.

SECTION G - GENERAL CONDITIONS (CONTINUED)

2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

SECTION H - ALTERNATE OPERATING SCENARIOS

Not Applicable.

SECTION I - COMPLIANCE SCHEDULE

Not Applicable.